

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

ORDER  
03-CR-34A

NELSON ROJAS,

Defendant.

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Currently before the Court is a motion by the defendant, Nelson Rojas, requesting the return of property seized pursuant to a valid search warrant.

Specifically, the defendant seeks the return of “four cellular telephones; memory stick’s [sic] digital camera including pictures; video tapes; personal identification documents; and many other household items.” See Dkt. No. 303.

On April 23, 2007, the government filed a response to the defendant’s motion. According to the government, the search warrant return reflects that the following items were recovered pursuant to a search of the defendant’s residence in Bergenfield, New Jersey: three cellular telephones, a plastic bag containing rubber bands, a plastic bag containing paperwork, and \$190,509 in U.S. currency. With the exception of the seized U.S. currency, the government has agreed to give all of the seized items to the defendant’s attorney, who has agreed to then forward the property to the defendant.

In light of the government’s agreement to turn over the seized property,

the Court finds that the defendant's motion should be denied as moot. Furthermore, to the extent that the defendant is seeking property in addition to what the government has agreed to turn over, the defendant is advised to file the motion in the district court where the property was seized, the District of New Jersey, pursuant to Rule 41(g) of the Federal Rules of Criminal Procedure.<sup>1</sup>

SO ORDERED.

s/ Richard J. Arcara  
HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: April 28 , 2007

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<sup>1</sup> Rule 41(g) provides that a motion for the return of seized property must be brought in the district where the property was seized. The property at issue was seized in Bergenfield, New Jersey, not in the Western District of New York.